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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,663	09/03/2003	Corinne Bortolin	16222U-015900US	5371
20350	7590	07/12/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			ST CYR, DANIEL	
TWO EMBARCADERO CENTER				
EIGHTH FLOOR			ART UNIT	
SAN FRANCISCO, CA 94111-3834			PAPER NUMBER	
			2876	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/654,663

Applicant(s)

BORTOLIN ET AL.

Examiner

Daniel St.Cyr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-46 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This in response to the applicant amendment filed 4/25/05.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-6, 9-15, 17, 19, 30, 31, 34-37, 39, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara, US Patent No. 6,123,259 in view of Fernan et al, US pub. 2002/0059584.

Ogasawara discloses a system for advising a user when selecting a product comprising: an IC card having a first, generally fixed, static information storage area 70 with the customer ID field which, the area 70 has an allocated space which contains general information relating to the customer, the general information includes the customer's name, home address, telephone number and date of birth and also, space is allocated in the static information storage area 70 for a customer's demographic profile, which might include a customer's food preferences, drink preferences, hobbies and family structure (children, pets etc.); a generally variable shopping history storage area 74 having a recirculation information storage area containing a sequential list of the last items purchased at the store (see figure 2; col. 10, line 43+).

Ogasawara fails to disclose that the consumer information in the card includes wildcard values.

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Fernan et al disclose an audiovisual management system comprising a smart card for storing users information wherein the users preference information includes wildcard values representing additional information (see page 25, left col. line 20+).

In view of the Fernan et al's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Ogasawara to include wildcard values representing customers' preference information. Such modification would expand the storage of the card, which would provide means for storing additional information about the customers. furthermore, these storage schemes, such as object oriented databases, are very common in the art for storing information. Therefore, it would have been an obvious extension as taught by Ogasawara.

4. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara as modified by Fernan et al. The teachings of Ogasawara as modified by Fernan et al have been discussed above.

Ogasawara as modified by Fernan et al fails to disclose or fairly suggests a plastic body including embossed region with customer identification. However, such characteristic are common in the art for producing smart/credit/memory cards.

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to manufacture the cards of Ogasawara as modified by Fernan et al with a plastic body and having embossing characters for the identifying the users. Such modification would make the card more sturdy and more secured by providing embossing characters, such as the user name, to identify the users. Therefore, it would have been an obvious extension as taught by Ogasawara as modified by Fernan et al.

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5. Claims 5, 8, 16, 18, 20-29, 32, 38, and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara as modified by Fernan et al as applied to claim 1 above and further in view of Johnsen, US Patent No. 5,250,789. The teachings of Hankins as modified by Fernan et al have been discussed above.

Ogasawara as modified by Fernan et al fails to disclose or fairly suggests that the system is used in a shopping establishment wherein the card includes a UPC code for identifying and associating each user with specific product and providing reward (promotional products) to a customer based on the products purchased.

Johnsen disclose a shopping cart comprising: a scanner 22, the scanner 22 is used at the beginning of a shopping visit to scan an identification card 52 provided to each shopper, the identification card 52 is provided with a bar code symbol 54 which is unique to any particular shopper, as products are scanned by scanner 22, some or all products may be used to trigger a promotional advertisement or an in-store coupon on the display screen 14; a store computer in communication with the display system 10 or a database which has been input into the display system 10 through the floppy disk drive 18 may be provided with a table of advertisements and coupon offers or rebate information each responsive to a particular product as it is being selected and scanned by a customer, the advertisements and coupons provided to a customer are geared towards the customer's perceived needs or interests as indicated by the products which are being selected. (see figures 1, 3, 4; and col. 6, line 16+).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to employ the system of Ogasawara as modified by Fernan et al in conjunction with the system of Johnsen for performing financial transactions. Such combined

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system would be more effective wherein each customer could be easily tracked and associated with specific products and would be more convenient by providing alternate means, such bar code symbol) to identify each customer. Therefore, it would have been obvious extension as taught by Ogasawara as modified by Fernan et al.

6. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara as modified by Fernan et al as and Johnsen applied to claim 44 and further in view of Allard et al, US patent No. 6,249,773. The teachings of Ogasawara as modified by Fernan et al have been discussed above.

Ogasawara as modified by Fernan et al and Johnsen fail to disclose or fairly suggest an Internet connection.

Allard et al disclose an electronic commerce with shopping list builder which includes Internet connection means for communicating to administration tool site and thee store database (see col. 4, line 28+).

In view of Allard et al's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Ogasawara as modified by Fernan et al and Johnsen to include Internet connection means. Such modification would make the system more effective wherein customers would be able to access information about selected products and to compare different available products in order to make more informed selections. Therefore, it would have been an obvious extension as taught by Ogasawara as modified by Fernan et al and Johnsen.

Response to Arguments

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7. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

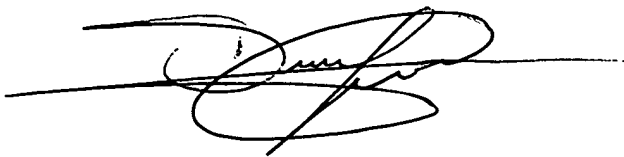
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baratelli, US Patent No. 6,325, 285.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', with a long horizontal line extending to the right.

DS
July 10, 2005